

FILED: 9/8/06

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

U.S. DISTRICT COURT
EASTERN DISTRICT COURT
DAVID J. MALAND, CLERK

UNITED STATES OF AMERICA

§

§

VS.

§

§

CASE NO. 4:06cr66

JAMES VAN METER and

§

ANITA VAN METER

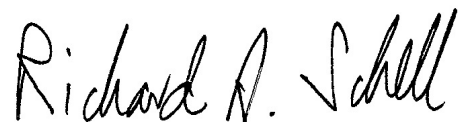
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ORDER DENYING MOTION TO SUPPRESS

On this day, came on for hearing the Defendants' "Motion for Suppression of Illegally Seized Evidence and for Return of Property" filed June 23, 2006 (docket entry #54). At today's hearing, the Defendants condensed their written motion to a single argument. The Defendants contend that the last phrase of "Attachment B" to the search warrant describing the "Items To Be Seized" renders the warrant unconstitutionally overbroad. The challenged phrase reads as follows: "All above being fruits, instrumentalities, and evidence of violations of Title 26, U.S.C. Section 7201 and Title 26, U.S.C. Section 7203." The court, however, finds that this phrase simply describes the purpose for seizing the items listed above and does not provide additional authorization to expand the search beyond the items previously described. Therefore, after considering the motion, the Government's response, the evidence and hearing the arguments of counsel, the court finds that the warrant particularly described the property to be seized and was not facially overbroad. It is therefore

ORDERED that the Defendants' motion to suppress is hereby **DENIED**.

SIGNED this the 8th day of September, 2006.



RICHARD A. SCHELL

UNITED STATES DISTRICT JUDGE